

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office OCT 27 1977

Returned to applicant for correction

Corrected application filed Map filed MAR 21 1978

The applicant J. Chester Young

Route 2 Box 5 of Austin City or Town

Nevada 89310 State and Zip Code No. hereby make S. application for permission to change the

point of diversion Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under proof nos. 02410, 02411, 02412, 02416, certificate no. 366 (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

- 1. The source of water is Kingston (AKN Big Smoky) Creek and Tributaries Name of stream, lake, underground spring or other source.
- 2. The amount of water to be changed 1.74 cfs. 347.24 acre-feet Second feet, acre feet. One second foot equals 448.83 gallons per minute.
- 3. The water to be used for as decreed Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- 4. The water heretofore permitted for as decreed Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- 5. The water is to be diverted at the following point NW 1/4 of NE 1/4 sec. 35, T16N, R43E, MDB&M Describe as being within a 40-acre subdivision of public survey and by course and or at a point from which the NE corner of said sec. 35 bears N 78° 22' E, distance to a section corner. If on unsurveyed land, it should be stated. 2680.00 feet.
- 6. The existing permitted point of diversion is located within NW 1/4 of NE 1/4 sec. 29, T16N, R44E, MDB&M, If point of diversion is not changed, do not answer. or at a point from which the NE corner of sec. 21, T16N, R44E, MDB&M bears N 49° 30' E, 9,083.43 feet.
- 7. Proposed place of use same Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

T16N, R44E, MDB&M								
8. Existing place of use	Priority Acres	Sub.	Sec.	Priority Acres	Sub.	Sec.		
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.								
1879	9.00	SE 1/4 SW 1/4	16	1879	1.09	NE 1/4 NE 1/4		21
	26.05	SW 1/4 SE 1/4	16		2.63	SE 1/4 NW 1/4		21
manner of use of irrigation permit, describe acreage to be removed from irrigation.								
	4.34	SE 1/4 SE 1/4	16	1874	6.14	SE 1/4 SW 1/4		16
"	34.40	NE 1/4 NW 1/4	21	"	0.88	SW 1/4 SW 1/4		16
"	2.28	NW 1/4 NE 1/4	21		86.81			

- 9. Use will be from to as decreed of each year. Month and Day Month and Day
- 10. Use was permitted from to as decreed of each year. Month and Day Month and Day
- 11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) headworks and pipeline State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.
- 12. Estimated cost of works \$50,000.00
- 13. Estimated time required to construct works 3 years

14. Estimated time required to complete the application of water to beneficial use..... 5 years.....
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is to change the point of diversion of the water from
Kingston Creek covered under Certificate No. 366. Kingston Creek is
estimated to supply 85% of the water appropriated under Certificate No. 366.

Applicant J. Chester Young
By s/ J. Chester Young

Compared. bt/bc bt/bc
2/26/79 by Dept. Fish & Game. (Pro. withdrawn-See Ruling #2740 of 1/27/82)
Protested. 2/22/79 by Gordon C. Shelley, Esq. (Pro. overruled-See Ruling #2740 of 1/27/82)

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the Point of Diversion of the waters of Kingston Creek and Tributaries, as heretofore appropriated under Proofs 02410, 02411, 02412, 02416, Certificate 366 as appears in the matter of the determination of the relative rights in and to the waters of Kingston Creek (aka Big Smoky Creek) and its tributaries, in the District Court of the Third Judicial District of the State of Nevada, in and for the County of Lander is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit is issued subject to the provisions of the Ruling of the State Engineer dated January 27, 1982.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.74 cubic feet per second, but not to exceed 347.24 acre-feet seasonally.

Work must be prosecuted with reasonable diligence and be completed on or before January 27, 1984

Proof of completion of work shall be filed before February 27, 1984

Application of water to beneficial use shall be made on or before January 27, 1986

Proof of the application of water to beneficial use shall be filed on or before February 27, 1986

Map in support of proof of beneficial use shall be filed on or before February 27, 1986

Completion of work filed..... IN TESTIMONY WHEREOF, I PETER G. MORROS

Proof of beneficial use filed..... State Engineer of Nevada, have hereunto set my hand and the seal of

Cultural map filed..... my office, this 27th day of JANUARY

Certificate No. Issued..... A.D. 19 82



2407 (Rev. 6-81)

State Engineer

47401 174cfs